

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-34 have been rejected.

Claims 1-34 are pending in this application.

Claims 1, 3-4, 13, 15, 17, 24, 27-28 and 34 have been rejected under 35 U.S.C. §102(e) as being anticipated by Shi (US 6,807,163). This rejection is respectfully traversed.

Shi discloses a mobile unit that dynamically adapts its scanning rate interval (SRI) for measuring received power levels for carriers. The timing for the SRI is changed based upon the carrier measurements. Shi also discloses a short scan interval (SSI) that directs the mobile unit to scan only a subset of the carriers rather than the full list of carriers. The SSI is derived by measuring a power level of a number of channels and determining if there are a certain number of channels above a power threshold value. If there are a certain number of channels above the threshold then the mobile unit is directed, by the SSI, to scan only a subset of the available carriers (column 6 lines 21-40 and column 7 lines 37-45).

However, applicant respectfully submits that the SSI is independent of the SRI, unlike the Examiner's contention. Both the SSI and the SRI are determined from different measurements of the carriers, the SRI from a determination of carrier power levels with reference to the current carrier power level, and the SSI from a determination of carrier power levels with reference to a fixed threshold (i.e. -85dBm from column 6 line 27). As a result the SRI and SSI are independent from each other and can have totally different values. In particular, the default value of SSI is 0 (column 7 line 2) while at the same time the value of SRI can vary from a maximum scanning rate of 0 to a minimum scanning rate of 3 (see Fig. 5 items 532, 530, 526 and 508). As a result, the value of SSI, and therefore the selection of a subset of carriers, could not depend from the scanning rate interval, as recited in applicants' independent claims.

If Shi were to describe applicants' invention, the selecting of a subset of carriers (i.e. SSI) must track the frequency of measurement updates (i.e. SRI), which it clearly does not. Therefore, applicants' respectfully submit that Shi teaches away from applicants' invention.

As a result, applicants respectfully submit that independent claims 1, 15 and 27 are patentable and non-obvious over Shi.

Claims 2-14, 16-26, and 28-34 are dependent on amended claims 1, 15, and 27, respectively, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed patentable and non-obvious as well for the same reasons.

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Therefore, applicants respectfully request that this rejection be withdrawn.

Claims 2 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shi in view of Menich et al. (US 5,327,575). This rejection is respectfully traversed.

Claims 2 and 16 are dependent on amended claims 1 and 15, respectively, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed patentable and non-obvious as well for the same reasons.

Therefore, applicants respectfully request that this rejection be withdrawn.

Claims 5-10, 14, 18-22 and 29-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shi in view of ETSI TR 125 922 v3.4.0 2000-12 (hereinafter "3GPP2000"). This rejection is respectfully traversed.

Claims 5-10 and 14 are dependent on amended claim 1, previously distinguished, and therefore includes all the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Similarly, claims 18-22 are dependent on amended claim 15, previously distinguished, and therefore include all the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Similarly, claims 29-33 are dependent on claim 27, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claims 11, 12 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shi in view of ETSI TR 125 922 v3.4.0 2000-12 and further in view of Lupien (US 5,857,153). This rejection is respectfully traversed.

Claims 11-12 and 23 are dependent on amended claims 1 and 15, respectively, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed patentable and non-obvious as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

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Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.


No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

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Respectfully submitted,
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